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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Water Resources
Contact Person:	Greg Denton
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11 th Floor Nashville, Tennessee 37243
Phone:	(615) 532-0699
Email:	Gregory.Denton@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2 nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A, 11th Floor
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	12/09/14
Hearing Time:	1:00 p.m. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

The intent of this rulemaking is to correct the Table of Contents for Chapter 0400-40-03 General Water Quality Criteria and add clarifying notes to the Definitions of “De Minimis degradation” and “Measurable degradation.”

An initial set of draft rules has been prepared for public review and comment. For more information, including the “DRAFT” rules and “redline” copy, please visit TDEC’s website at <http://tn.gov/environment/ppo/#water>.

Copies of these initial draft rules are also available for review at the Tennessee Department of Environment and Conservation’s Environmental Field Offices located as follows:

Memphis Environmental Field Office
8383 Wolf Lake Drive
Memphis, TN 38133
(901) 371-3000/1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/1-888-891-8332

Chattanooga Environmental Field Office
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/1-888-891-8332

Columbia Environmental Field Office
1421 Hampshire Pike
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-6538
(865) 594-6035/1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

Draft copies are also available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243
(615) 532-0625

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Water Resources; Tennessee Department of Environment and Conservation; Attention: Gregory Denton; William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243; telephone 615-532-0699 or FAX 615-532-0686. However, such written comments must be received by the Division by 4:30 PM CDT, December 9, 2014, in order to ensure consideration. For further information, contact Gregory Denton at the above address or telephone number.

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-40-03	General Water Quality Criteria
Rule Number	Rule Title
0400-40-03	Table of Contents
0400-40-03-.04	Definitions

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendment

Chapter 0400-40-03
General Water Quality Criteria

The Table of Contents for Chapter 0400-40-03 General Water Quality Criteria is amended by deleting it in its entirety and substituting instead the following:

0400-40-03-.01 Tennessee Board of Water Quality, Oil and Gas
0400-40-03-.02 General Considerations
0400-40-03-.03 Criteria for Water Uses
0400-40-03-.04 Definitions
0400-40-03-.05 Interpretation of Criteria
0400-40-03-.06 Antidegradation Statement
0400-40-03-.07 Ground Water Classification
0400-40-03-.08 ~~Ground Water~~ Criteria
0400-40-03-.09 Site Specific Impaired Classification ~~Application~~ Petition Process
0400-40-03-.10 ~~Point of Classification Change~~ Remediation of Ground Water or Perched Water
0400-40-03-.11 ~~Appeals~~ Classified Site Specific Impaired Ground Water and Respective Criteria
0400-40-03-.12 Reporting Requirement

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq.

Part 1 of subparagraph (a) of paragraph (4) of Rule 0400-040-03-.04 Definitions is amended by adding a note immediately following so that, with the note, part 1 shall read as follows:

1. Subject to the limitation in part 3 of this subparagraph, a single discharge other than those from new domestic wastewater sources will be considered de minimis if it uses less than five percent of the available assimilative capacity for the substance being discharged.

(Note: Consistent with T.C.A. § 69-3-108, special consideration will be given to bioaccumulative substances to confirm the effect is de minimis, even if they are less than five percent (5%) of the available assimilative capacity.)

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq.

Paragraph (11) of Rule 0400-040-03-.04 Definitions is amended by adding a note immediately following so that, with the note, paragraph (11) shall read as follows:

- (11) Measurable degradation, as used in the context of discharges or withdrawals – Changes in parameters of waters that are of sufficient magnitude to be detectable by the best available instrumentation or laboratory analyses.

(Note: Because analytical techniques change, the Department may consider either the most sensitive detection method needed to comply with state standards or any biological, chemical, physical, or analytical method, conducted in accordance with U.S. EPA approved methods as identified in 40 C.F.R. part 136. Consistent with T.C.A. § 69-3-108, for scenarios involving cumulative, non-measurable activities or parameters that are managed by a narrative criterion, the Department will use mathematical models and ecological indices to ensure no degradation will result from the authorization of such activities, consistent with the state's mixing zone policy.)

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: _____

Signature: _____

Name of Officer: Tisha Calabrese-Benton

Title of Officer: Director of the Division of Water Resources

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State